

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE.
W/S Mt. Carmel Rd., 1000' W of * ZONING COMMISSIONER
c/l York Road (108 Mt. Carmel Rd.)
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Legal Owner: David Shive, et ux * Case No. 97-60-XA
Contract Purchaser: Robert
Appelbaum, DDS, Petitioner *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance for the property located at 108 Mt. Carmel Road in the Hereford section of Baltimore County. The Petitions are filed by David and Kathryn Shive, the owners of the property, and Robert Appelbaum, DDS, Contract Purchaser. Special Exception relief is requested for approval of a dental office, pursuant to Section 259.3.B.2 of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Section 409.4.A of the BCZR to allow a driveway of 12 ft. in width for two way movements, in lieu of the 20 ft. width required. The requested relief and subject property are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were Kathryn Shive, property owner and Robert Appelbaum, DDS, Contract Purchaser. Also present was Albert W. Rubeling, Jr., Consultant, and Timothy Madden from Morris and Ritchie Associates, Inc. Wes Guckert of The Traffic Group was also present. The Petitioner was represented by Robert Hoffman, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is .497 acres in area, zoned R.C.5-CR. The site is a rectangularly shaped lot located on Mt. Carmel Road, between York Road and I-83 in Hereford. Presently, the site is improved with an existing 1260 sq. ft. residential

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

structure. The Petitioner proposes constructing a 720 sq. ft. addition to the rear of the existing structure, as well as an 11 space parking lot to the rear. Dr. Appelbaum, who is acquiring the site, will convert the structure and addition for use as an office in connection with his dental practice. He indicated that he now practices in Towson but wishes to relocate to the Hereford area. Presently, he is a sole practitioner and employs approximately three individuals.

As noted above, there were no Protestants or other interested persons present. Moreover, the Office of Planning, within its Zoning Plans Advisory Committee (ZAC) comment, indicated that the use is consistent with the Hereford plan. A conversion of this structure to a dental office seems entirely appropriate. The site is located within the Hereford Village Center and a professional office, such as the one proposed, will not be detrimental to the health, safety and general welfare of the locale. In my judgment, the proposed use complies with Section 502.1 of the BCZR. Thus, the Petition for Special Exception should be approved.

The variance relief relates to the driveway and vehicular access to the site. As noted on the plan, a driveway will lead from the property's frontage on Mt. Carmel Road to a rear parking lot containing 11 spaces. At one point of its length, the driveway is as little as 12 ft. in width. The BCZR mandates that the driveway maintain a 20 ft. width.

Dr. Appelbaum indicated that the majority of his patients are by appointment only. Moreover, at this time, he is the sole practitioner and the amount of traffic which can be expected to be generated by the practice is minimal. In my judgment, the Petition for Variance should be granted. The uniqueness of the property is found by its narrow width which limits the width of the driveway. Moreover, a grant of the variance requested would not detrimentally affect surrounding properties and strict adherence

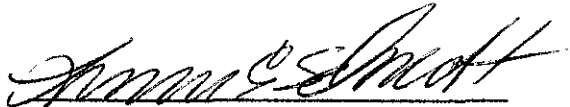
to the zoning regulations would cause practical difficulty on the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of September, 1996 that, pursuant to the Petition for Special Exception, approval of a dental office under Section 259.3.B.2 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A of the BCZR to allow a driveway of 12 ft. in width for two way movements, in lieu of the 20 ft. width required, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 18, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 97-60-XA
David Shive, et ux, Legal Owners
Robert Appelbaum, DDS, Contract Purchaser, Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Robert Appelbaum, DDS
P.O. Box 366
Monkton, Maryland 21111
c: Mr. and Mrs. David Shive
108 Mt. Carmel Road
Parkton, Maryland 21120-9723

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Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 108 Mt. Carmel Road

which is presently zoned RC5-CR

97-60-XA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a dental office pursuant to Section 259.3.B2 of the Baltimore County Zoning Regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Robert Appelbaum, DDS
(Type or Print Name)

Signature

P.O. Box 366
Address

Monkton MD 21111
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave. (410) 494-6200
Address Phone No

Towson MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

David Shriver SHIVE
(Type or Print Name)

Signature

Kathryn Shriver SHIVE
(Type or Print Name)

Signature

108 Mt. Carmel Road
Address

(410) 343-1174
Phone No.

Parkton MD 21120-9723
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3 hr

unavailable for Hearing the following dates

Next Two Months

ALL OTHER

REVIEWED BY: DATE 8/7/96



MICROFILMED



Petition for Variance

#60

to the Zoning Commissioner of Baltimore County

for the property located at 108 Mt. Carmel Road

which is presently zoned RC5-CR

97-60-XA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

409.4.A. to allow a driveway of 12 ft. in width for two-way movements in lieu of the 20 ft. width required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

to be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Robert Appelbaum, DDS

(Type or Print Name)

Signature

P.O. Box 366

Address

Monkton

City

MD

State

21111

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

Legal Owner(s):

David Shive

(Type or Print Name)

Signature

Kathryn Shive

(Type or Print Name)

Signature

108 Mt. Carmel Road

Address

Phone No.

Parkton

City

MD

State

21120-9723

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/7/96

MICROFILMED



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

FOR

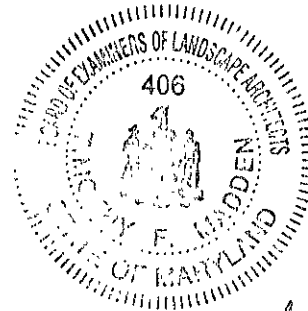
97-60-XA

THE PROPOSED CONVERSION TO DENTAL OFFICE AT 108 MT. CARMEL ROAD

Beginning at a point on east side of Mt. Carmel Road which is forty (40) feet wide at the distance of one thousand (1,000) feet west of the centerline of York Road (MD.Route 45) which is sixty-six (66) feet wide. Thence, following the following courses:

North 02° 52' 30" E. 19.7 ft., N.02° 52' 30" E. 210.3 ft., N. 82° 50' 00" W. 95ft., S.02° 52' 30" W. 210.3 ft., S. 02° 52' 30" W. 19.7 ft., S. 82° 50' 00" E. 95 ft. to the point of the beginning as recorded in Deed Liber 6208 , Folio 46.

R:\DC\mrs\la\10313\zondescr\6-10-96



Tim Madden
7/1/96

60

MICROFILM

☐ 139 N. MARY STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 115 WEST ROAD, SUITE 105
BOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 900 C JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7335

97-60-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____
Posted for: 9-11-96 *Harvey* Date of Posting: 8-26-96
Petitioner: *188 Mt. Carmel Rd*
Location of property: *on Property at frontage along Mt Carmel Road*
Approx. 10 feet behind R/W line in middle of property
Location of Sign: _____

Remarks: _____
Posted by: *Jim Mader* Date of return: 8-29-96
Number of Signs: *one*

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, has received a petition from the undersigned, requesting a change in the zoning of the property described below. The zoning of the property is hereby changed from R-1 to R-2.

Case #97-60-XA
(Item 60)

108 Mt. Carmel Road
NWS Mt. Carmel Road, 1000'
W of Cl York Road
7th Election District
3rd Councilmanic
Legal Owners(s):
David Shive and Katrina
Shive

Contact Purchaser:

Robert Applebaum, DDS

Special Exception for a dental office. Variance to allow a driveway of 12 feet in width for two-way movements in lieu of the 20 foot width required.

Hearing: Wednesday, September 11, 1996 at 9:00 a.m. in Rm. 106 County Office Building.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for Special accommodations. Please Call 887-3353.

(2) For information concerning the file and/or hearing, Please Call 887-3351.

8/30/96 Aug 22

178169

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug 22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 22, 1996.

THE JEFFERSONIAN,

A. H. Enid
TOWSON, MD. - TOWSON

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 60 Petitioner: Robert Appelbaum, DDS
Location: 108 Mt. Carmel Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormrod
ADDRESS: 210 Allegheny Avenue
Towson, Md 21204
PHONE NUMBER: 410-494-6201

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TO: PUTUXENT PUBLISHING COMPANY
August 22, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-60-XA (Item 60)
108 Mt. Carmel Road
N/S Mt. Carmel Road, 1000' W of c/l York Road
7th Election District - 3rd Councilmanic
Legal Owner(s): David Shive and Kathryn Shive
Contract Purchaser: Robert Applebaum, DDS

Special Exception for a dental office.
Variance to allow a driveway of 12 feet in width for two-way movements in lieu of the 20 foot width required.

HEARING: WEDNESDAY, SEPTEMBER 11, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-60-XA (Item 60)
108 Mt. Carmel Road
N/S Mt. Carmel Road, 1000' W of c/l York Road
7th Election District - 3rd Councilmanic
Legal Owner(s): David Shive and Kathryn Shive
Contract Purchaser: Robert Applebaum, DDS

Special Exception for a dental office.
Variance to allow a driveway of 12 feet in width for two-way movements in lieu of the 20 foot width required.

HEARING: WEDNESDAY, SEPTEMBER 11, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: David and Kathyr Shive
Robert Appelbaum, DDS
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 5, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 60
Case No.: 97-60-XA
Petitioner: David Shive, et ux

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 7, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
ELECTRICAL INSPECTION FEE SCHEDULE
EFFECTIVE APRIL 1, 1992

MINIMUM FEE FOR ELECTRICAL PERMITS IS \$17.00

PERMIT EXPIRATION

A permit shall expire one year from the date it was issued unless it is extended, in which case it can only be extended for one additional year. The maximum duration of an electrical permit is two years.

INVESTIGATION FEE

Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee, an investigation fee of \$43.00 shall be collected.

MODULAR HOMES OR PREFABRICATED STRUCTURES

Must bear a sticker of approval from the U.S. federal government, the state, a national testing facility, or other recognized inspection bureau. When this sticker is in evidence, a flat rate of \$43.00 will be charged.

TRANSFORMERS, VAULTS - OUTDOOR ENCLOSURES
OUTDOOR SUB-STATIONS

Not over 200 KVA \$19.00
Over 200 to 500 KVA \$21.00
Over 500 KVA \$28.00

NOTE: Above applied to each bank of transformers.

SWIMMING POOLS

Bonding \$17.00
Filters & Pool lights (use fixture & appliance schedule)
REINSPECTION OR REINSTRUCTION OF CURRENT

Charge is in relation to amount of supervision, but no less than \$43.00
Any equipment not heretofore approved, the schedule covering classification to apply used.

ADDITIONAL INSPECTIONS

For reported correction of defects found in original installation (after notice of correction and second inspection) \$17.00

ELECTRIC SIGNS

Electric discharge sign lighting systems, charge based on amp. rating of each sign:
0 to 10 amp. \$17.00
Each additional 5 amp. or fraction thereof . \$ 7.00
For incandescent signs, divide total number of sockets by "4" applying rough wiring schedule for each sign,
minimum fee. \$17.00
Charge for each combination incandescent and gas tube sign to be computed by adding charge for each class.

ELEVATOR INSTALLATIONS

Single unit, non-automatic,
1 to 20 HP each \$17.00
Single unit, non-automatic,
Over 20 HP: apply primary motor schedule.
Automatic elevators: Add \$5.00 to primary motor schedule.

RADIO OR TV APPARATUS

Minimum fee \$17.00
PROTECTIVE SIGNALING SYSTEMS, SOUND OR TIME SYSTEMS OUTLETS, TELEPHONES
1 to 15 devices \$17.00
Each additional 5 \$ 3.00

TEMPORARY INSTALLATIONS AND DECORATIVE DISPLAYS
Temporary installations for carnivals, Christmas decorations, halls churches, etc., where inspection is on a one-time basis, apply the following fees:

1 to 10 KW \$17.00
11 to 25 KW \$21.00
26 to 50 KW \$28.00
Over 50 KW \$34.00

Where inspection is not on a one-time basis, see Special Services below:

SPECIAL SERVICES

Special services (such as annual inspections, hospital operating floors, motion picture equipment, mobile homes, etc.) and/or conditions not provided for in the schedule shall be charged for on the basis of time required.
Minimum fee \$17.00
Temporarily and inspections requested after the first inspection, when work was not ready, EACH \$43.00
Issuance of duplicate certificate . . . \$ 3.00

PRE-PURCHASE AND USE POSTCARD PERMITS (\$17.00) FOR SIMPLE, ONE-ITEM INSPECTIONS.

ROUGH WIRING

FIXTURES

switches, receptacles, and lights to be counted as outlets:	
1 to 50 outlets . . . \$17.00	1 to 50 fixtures . . . \$17.00
For each additional 25 outlets or fraction thereof . \$3.00	For each additional 25 fixtures or fraction thereof . \$3.00

COMPLETED INSTALLATIONS, where wiring and fixtures are installed and can be inspected on one visit, apply rough wiring schedule based on total number of outlets.

FEES - NEW RESIDENCE - FLAT RATE - INCLUDES ALL APPLIANCES & SERVICE

Not over 100 amp. service \$44.00
Not over 200 amp. service \$52.00
Over 200 amp. service \$57.00

FEES - NEW APARTMENTS - INCLUDES ALL APPLIANCES - SERVICE ADDITIONAL

1 to 5 - Use Rough Wiring & Fixture Schedules, Service Additional 6 or more - \$17.00 per apartment, Service Additional

CONDITIONS & REMODELING - Use Rough Wiring and Fixture Schedules. Appliances such as electric ranges, range tops, ovens, all conditioners, water heaters, disposals, dishwashers, dryers, water pumps, electric heating units, etc., installed in dwelling occupancies: a charge of \$5.00 will be made for the first unit 20 KW or less, and \$2.00 for each additional unit or outlets.

INDUSTRIAL AND COMMERCIAL EQUIPMENT - such as air conditioners, motors, generators, commercial heaters, transformers, capacitors, welders and similar devices: Secondary Fee

Single unit or group not exceeding 5 motors whose total capacity does not exceed 1 HP or KW . . . \$17.00 -- \$5.00
1 HP to 40 HP, KW or KVA \$17.00 -- \$5.00
Over 40 HP to 75 HP, KW or KVA \$17.00 -- \$6.00
Over 75 HP, KW or KVA \$17.00 -- \$7.00

NOTE: Where above motor fees exceed \$75.00 and inspections can be completed within 90 days of filing application, apply 50% of the above fees for the amount over \$75.00.

NEW SERVICE - RELOCATION OR CHANGE IN SERVICE

Not over 400 amps \$17.00
Over 400, not over 800 amps \$25.00
Over 800 amps \$43.00

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 5, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 108 Mt. Carmel Road

INFORMATION:

Item Number: 60

Petitioner: Shive Property

Property Size: _____

Zoning: RC-5-CR

Requested Action: Special Exception

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, this office determines that the plat accompanying the subject request is consistent with the Hereford Plan. Staff recommends the dumpster area be enclosed with a board on board fence should the petition be granted.

Prepared by: Jeffrey W. L.

Division Chief: Gary L. Kenna

AFK:JL

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 26, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 26, 1996
Item No. 060

The Development Plans Review Division has reviewed the subject zoning item. A Schematic Landscape Plan must be prepared and submitted for review one week prior to the Special Exception Hearing.

RWB:HJO:jrb

cc: File

ZONE23C

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

November 7, 1996

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
MD 137 (north side)
#108 Mt Carmel Road
Special Exception
Item No. 060 (MJK)
Mile Post 8.31

Dear Ms. Eubanks:

This letter is in response to your request for our review of the referenced item.

The proposed 40' right-of-way dedication from the centerline of MD 137 and the proposed entrance are acceptable to the State Highway Administration (SHA).

Although we have no objection to approval of the special exception, we will require the owner to obtain access approval through this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (**include Federal ID number or social security number on certified checks only**) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (**Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection**).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

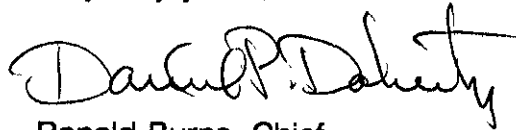
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECEIVED
NOV 14 1996

Ms. Roslyn Eubanks
Page Two
November 7, 1996

Should you have any questions, or require additional information, please contact Larry Gredlein at 410-545-5606. Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ronald Burns".

for
Ronald Burns, Chief
Engineering Access Permits
Division

LG/es

ENCLOSURE

PETITION PROBLEMS

#33 --- RT

1. Where has this petition been????
2. Only one signature was notarized.

#55 --- JRA

1. No zoning indicated on petition form.
2. No review information on bottom of petition form.

#58 --- MJK

1. Need title of person signing for legal owner.
2. Need telephone number of legal owner.

#60 --- MJK

1. Need telephone number for legal owner.

#61 --- ????

Where is it??????

#62 --- JLL

1. Why does special hearing petition form list two legal owners and the variance petition form list only one legal owner.

#64 --- JLL

1. Need title of person signing for lessee.

#67 --- JJS

1. Need zoning on petition form - says "Res".

#70 --- ???

Where is it????

#71 --- MJK

1. Need telephone number for legal owner.

MICROFILMED

August 12, 1996

SPRINKLER SYSTEM HYDRAULIC ANALYSIS

Page 5

Date: 05/20/1996

C:\HASS60\DATA\TARGET\TS-FSA-1.SDF

JOB TITLE: TARGET STORE GRID SYSTEM NO. 2 FOOD SERVICE AREA

PIPE DATA (cont.)

PIPE TAG	END	ELEV.	NOZ.	PT	DISC.	Q(GPM)	DIA(IN)	LENGTH	PRESS.
NODES	NODES	(FT)	(K)	(PSI)	(GPM)	VEL(FPS)	HW(C)	(FT)	SUM.
							F.L./FT		(PSI)
Pipe: 226						33.9	1.687	PL 193.29	PF 7.3
223		14.7	0.0	41.8	0.0	4.9	120	FTG 2T	PE 0.0
224		14.7	0.0	34.6	0.0		0.034	TL 213.29	PV 0.2
Pipe: 227						240.3	2.727	PL 15.00	PF 1.9
224		14.7	0.0	34.6	0.0	13.2	120	FTG ----	PE 0.0
222		14.7	0.0	32.7	0.0		0.123	TL 15.00	PV 1.2
Pipe: 228						279.3	3.352	PL 16.00	PF 1.0
225		14.7	0.0	42.8	0.0	10.2	120	FTG ----	PE 0.0
223		14.7	0.0	41.8	0.0		0.060	TL 16.00	PV 0.7
Pipe: 229						32.6	1.687	PL 193.29	PF 6.8
225		14.7	0.0	42.8	0.0	4.7	120	FTG 2T	PE 0.0
226		14.7	0.0	36.0	0.0		0.032	TL 213.29	PV 0.1
Pipe: 230						206.4	2.727	PL 16.00	PF 1.5
226		14.7	0.0	36.0	0.0	11.3	120	FTG ----	PE 0.0
224		14.7	0.0	34.6	0.0		0.093	TL 16.00	PV 0.9
Pipe: 231						311.9	3.352	PL 16.00	PF 1.2
227		14.7	0.0	44.0	0.0	11.3	120	FTG ----	PE 0.0
225		14.7	0.0	42.8	0.0		0.073	TL 16.00	PV 0.9
Pipe: 232						32.8	1.687	PL 193.29	PF 6.8
227		14.7	0.0	44.0	0.0	4.7	120	FTG 2T	PE 0.0
228		14.7	0.0	37.1	0.0		0.032	TL 213.29	PV 0.1
Pipe: 233						173.8	2.727	PL 16.00	PF 1.1
228		14.7	0.0	37.1	0.0	9.5	120	FTG ----	PE 0.0
226		14.7	0.0	36.0	0.0		0.068	TL 16.00	PV 0.6
Pipe: 234						344.7	3.352	PL 16.00	PF 1.4
229		14.7	0.0	45.4	0.0	12.5	120	FTG ----	PE 0.0
227		14.7	0.0	44.0	0.0		0.088	TL 16.00	PV 1.1
Pipe: 235						34.5	1.687	PL 193.29	PF 7.5
229		14.7	0.0	45.4	0.0	4.9	120	FTG 2T	PE 0.0
230		14.7	0.0	37.9	0.0		0.035	TL 213.29	PV 0.2
Pipe: 236						141.0	2.727	PL 16.00	PF 0.7
230		14.7	0.0	37.9	0.0	7.7	120	FTG ----	PE 0.0
228		14.7	0.0	37.1	0.0		0.046	TL 16.00	PV 0.4
Pipe: 237						379.1	4.352	PL 14.50	PF 0.4
231		14.7	0.0	45.8	0.0	8.2	120	FTG ----	PE 0.0
229		14.7	0.0	45.4	0.0		0.029	TL 14.50	PV 0.4
Pipe: 238						34.6	1.687	PL 193.29	PF 7.5
231		14.7	0.0	45.8	0.0	5.0	120	FTG 2T	PE 0.0
232		14.7	0.0	38.3	0.0		0.035	TL 213.29	PV 0.2

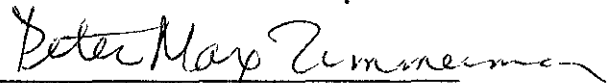
RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
108 Mt. Carmel Road, N/S Mt. Carmel Road, * ZONING COMMISSIONER
1000' W of c/l York Road *
7th Election District, 3rd Councilmanic * OF BALTIMORE COUNTY

Legal Owner(s): David and Kathryn Shive * CASE NO. 97-60-XA
Contract Purchaser: Robert Applebaum, DDS *
Petitioners *

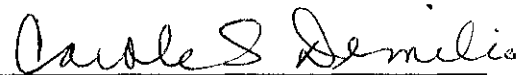
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

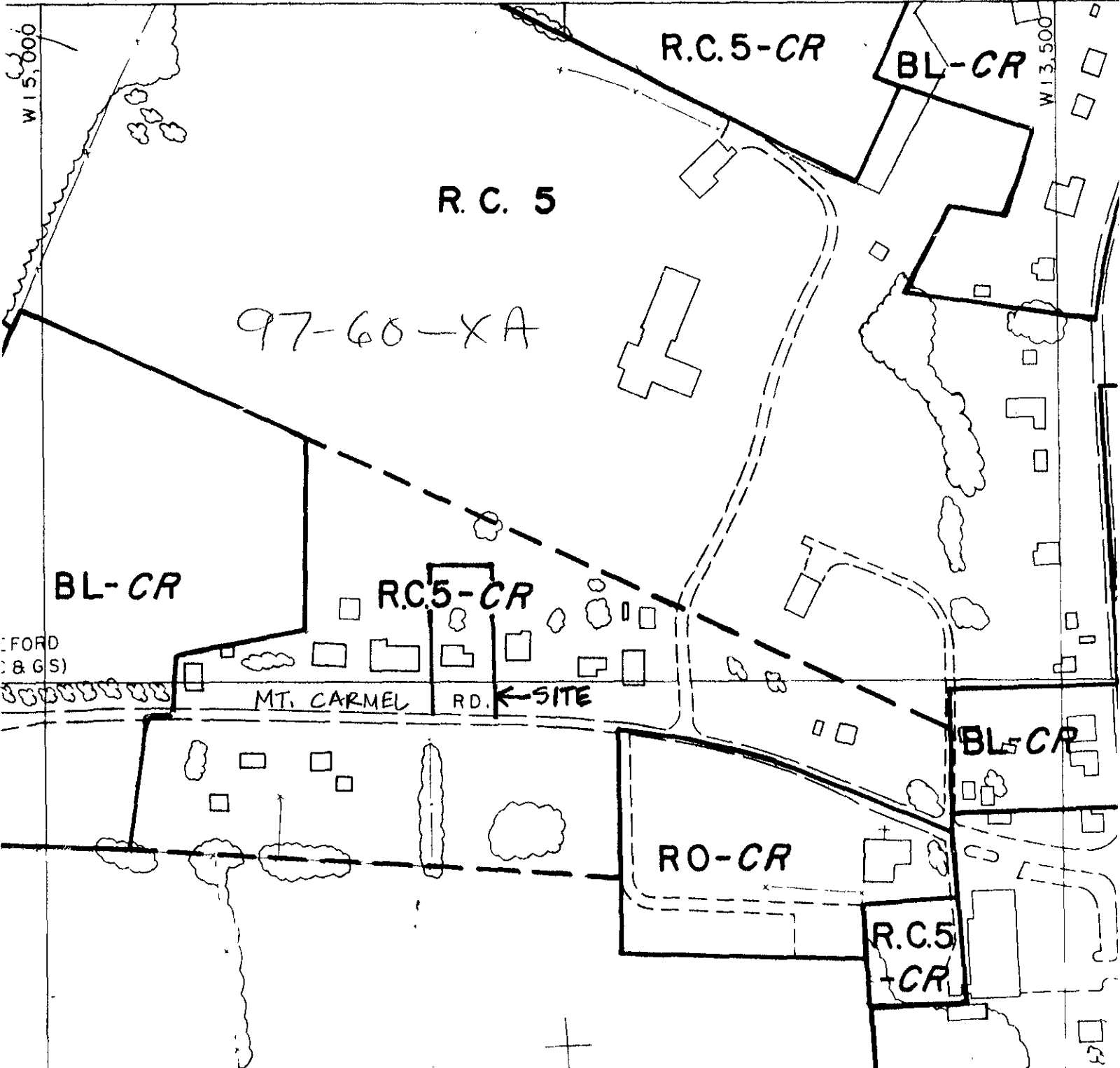
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.



PETER MAX ZIMMERMAN

MICROFILMED



SCALE	LOCATION	SHEET
1" = 200' ±	HEREFORD	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986	# 60	27-C

MICROFILMED

PROTESTANT(S) SIGN-IN SHEET

NAME

Kathy Shive

ADDRESS

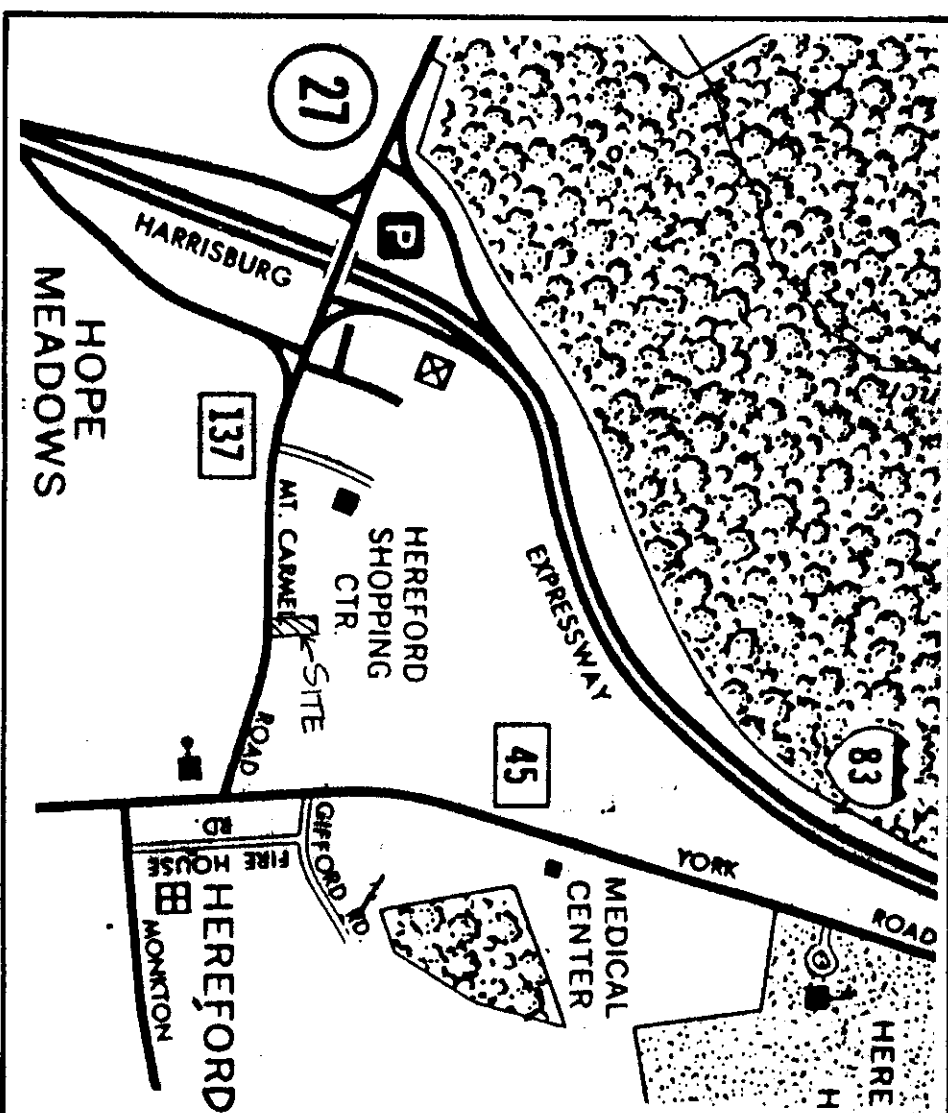
108 Mt. Carmel Rd 2020



UNRECORDED

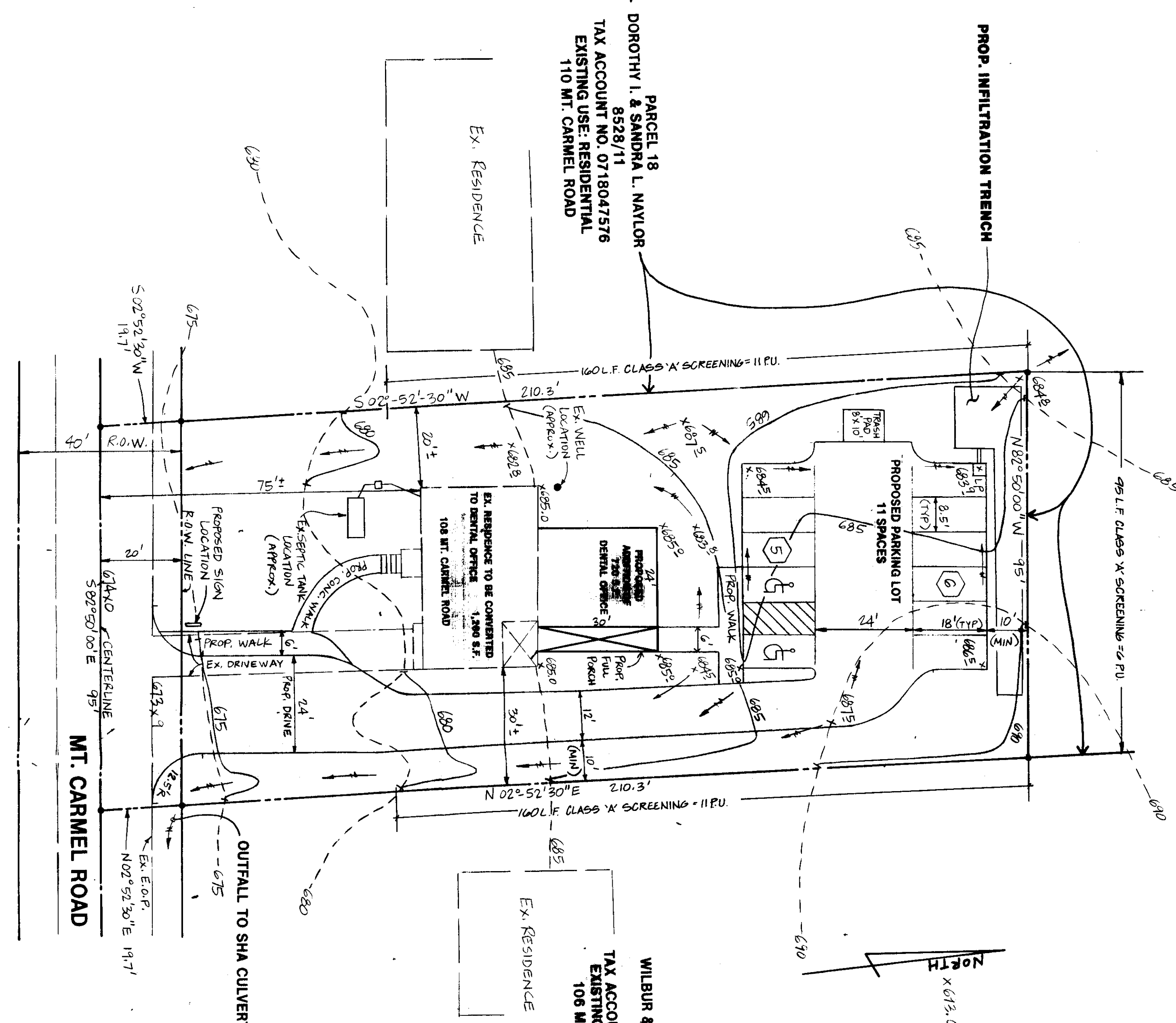
GENERAL NOTES

- PROJECT NAME: Proposed Dental Office
Parcel 18, 8528/11
TAX ACCOUNT NO. 071804576
EXISTING USE: RESIDENTIAL
110 MT. CARMEL ROAD
- DEVELOPER AND CONTRACT PURCHASER:
D. Robert Applebaum, D.D.S.
108 Mt. Carmel Road
Purdon, Maryland 21120-9723
Ph: (410) 328-2118
- OWNER:
D. Robert Applebaum, D.D.S.
108 Mt. Carmel Road
Purdon, Maryland 21120-9723
Ph: (410) 328-2118
- ATTORNEY:
Robert Hoffman
Vesela, Baigler and Howard
Towson, Maryland 21204
(410) 484-6232
- CONSULTANT:
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204
Ph: (410) 821-1880
- SITE LOCATION:
a. Election District: Seventh
b. County: Harford
c. Waterfront: 40213-248, Gunpowder
d. Precinct: 02040
e. Assessor's Map: 100-1-1
f. Zoning Map: NW 27-C
- PREVIOUS COMMERCIAL PERMITS: None
- SUBDIVISION HISTORY: This residence was built in 1954 and owned by Robert L. Thompson until his death in 1980. It was then owned by David A. Applebaum & Shire, recorded under Liber 0047 Folio 46.
- ZONING REGULATIONS: No zoning hearings have been held in regard to this property.
- EXISTING ZONING: RC-SICR District Overlay
- PROPOSED USE: Residential
- DENIAL OFFICE: which requires a Special Exception pursuant to Section 104.2 (10) of the Baltimore County Zoning Regulations (BCZCR).
- BUILDING SETBACKS:
REQUIRED
Front: 15 Feet
Side: 15 Feet
Rear: 15 Feet
PROPOSED
Front: 25 Feet
Side: 25 Feet
Rear: 15 Feet
- PARKING:
Required: 417,000 sq. ft. 1,980 x 4.5 = 9 spaces
Proposed: 11 spaces
NOTE: A minimum setback of 10 feet must be observed for parking areas from any property line.
- SITE AREA: 0.487 Ac. +/- (21,648 S.F. +/-)
- BUILDING HEIGHT: Permitted: 30 Feet, Per Section 259.3 (C) of the Baltimore County Zoning Regulations (BCZCR)
Proposed: 20 Feet
- FLOOR AREA CALCULATIONS:
RC-SICR District Overlay F.A.R. permitted is 5.2%
RC-SICR District Overlay F.A.R. proposed is 2.1%
21,648 x 0.20 = 4,329 sq. ft. permitted
1,880 sq. ft. proposed
- AMENITY OPEN SPACE CALCULATION: Not required
- SOILAGE: A final landscape plan is proposed for this project. The maximum allowable area allowed is 25 square feet per site, and the sign must be incorporated into the landscaping.
- LANDSCAPING: A final Landscape Plan will be prepared and approved for this project prior to application for a building permit. See note 25 ROR, ADOT ROW.
- PARKING LOT FERROUS SURFACE CALCULATIONS:
Parking Lot Area: 3,880 sq. ft.
Previous Surface Provided: 252 sq. ft. (7%)
Previous Surface Provided: 283 sq. ft. (7.5%)
- BULK REGULATIONS:
Maximum Gross Floor Area Permitted: 8,500 sq. ft. (No more than 6,800 sq. ft. shall be on Gross Floor Area Proposed: 1,880 sq. ft. (1,580 sq. ft. on the ground floor)
- LANDSCAPE CALCULATIONS:
A. Landscaping for the project will be provided in accordance with 259.3 (C) of the Baltimore County Zoning Regulations for C.R. Districts, as well as applicable provisions of the Landscape Manual for commercial uses.
B. The following Landscape Calculations apply to the project:
1. Seven percent of all surface parking for areas shall be reserved for landscaping.
Total parking lot area (67,467) = 3,620 sq. ft.
The required landscape area: 232 sq. ft.
Landscape area provided: 350 sq. ft.
2. Required Parking Urns (P.U.):
a. 11 existing spaces
b. Screening of offices used from adjacent residential uses: 28 P.U.
(includes dumpster and parking lot screening)
Total P.U. Required: 28
Total P.U. Proposed: 28



VICINITY MAP
SCALE: 1"=1000'

- Notes: This portion requests the following:
- A special exception to permit a dental office in an RC-SICR-CR Zone District, in accordance with Section 259.3 (B.3) of the BCZCR.
 - To permit a 12 foot wide, 2 way drive in a parking area, in lieu of the minimum 20 foot width required by Section 409.4 (A) of the BCZCR.



PARCEL 20
WILBUR & MARIE M. SNYDER
2072/344
TAX ACCOUNT NO. 0719058075
EXISTING USE: RESIDENTIAL
106 MT. CARMEL ROAD

PARCEL 18
DOROTHY I. & SANDRA L. NAYLOR
8528/11
TAX ACCOUNT NO. 071804576
EXISTING USE: RESIDENTIAL
110 MT. CARMEL ROAD

MT. CARMEL ROAD



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1880
Fax: (410) 821-1748

PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION AND VARIANCE HEARING
CONVERSION FROM RESIDENCE
TO DENTAL OFFICE

AT
108 MT. CARMEL ROAD
FOR
DR. ROBERT APPLEBAUM, D.D.S.

DATE	REVISIONS	JOB NO.
7/29/96	REV TO ADD LANDSCAPING AND NOTE 23.	10313

SCALE: 1/2"=20'	DRAWN BY: BC
DATE: 7-1-96	DESIGN BY: BC
	REVIEW BY: TM
	SHEET 1 OF 2

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE. * ZONING COMMISSIONER
W/S Mt. Carmel Rd., 1000' W of *
c/l York Road (108 Mt. Carmel Rd.) * OF BALTIMORE COUNTY
7th Election District
3rd Councilmanic District
Legal Owner: David Shive, et ux * Case No. 97-60-XA
Contract Purchaser: Robert
Appelbaum, DDS, Petitioner
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance for the property located at 108 Mt. Carmel Road in the Hereford section of Baltimore County. The Petitions are filed by David and Kathryn Shive, the owners of the property, and Robert Appelbaum, DDS, Contract Purchaser. Special Exception relief is requested for approval of a dental office, pursuant to Section 259.3.B.2 of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Section 409.4.A of the BCZR to allow a driveway of 12 ft. in width for two way movements, in lieu of the 20 ft. width required. The requested relief and subject property are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were Kathryn Shive, property owner and Robert Appelbaum, DDS, Contract Purchaser. Also present was Albert W. Rubeling, Jr., Consultant, and Timothy Madden from Morris and Ritchie Associates, Inc. Wes Guckert of The Traffic Group was also present. The Petitioner was represented by Robert Hoffman, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is .497 acres in area, zoned R.C.5-CR. The site is a rectangularly shaped lot located on Mt. Carmel Road, between York Road and I-83 in Hereford. Presently, the site is improved with an existing 1260 sq. ft. residential

structure. The Petitioner proposes constructing a 720 sq. ft. addition to the rear of the existing structure, as well as an 11 space parking lot to the rear. Dr. Appelbaum, who is acquiring the site, will convert the structure and addition for use as an office in connection with his dental practice. He indicated that he now practices in Towson but wishes to relocate to the Hereford area. Presently, he is a sole practitioner and employs approximately three individuals.

As noted above, there were no Protestants or other interested persons present. Moreover, the Office of Planning, within its Zoning Plans Advisory Committee (ZAC) comment, indicated that the use is consistent with the Hereford plan. A conversion of this structure to a dental office seems entirely appropriate. The site is located within the Hereford Village Center and a professional office, such as the one proposed, will not be detrimental to the health, safety and general welfare of the locale. In my judgment, the proposed use complies with Section 502.1 of the BCZR. Thus, the Petition for Special Exception should be approved.

The variance relief relates to the driveway and vehicular access to the site. As noted on the plan, a driveway will lead from the property's frontage on Mt. Carmel Road to a rear parking lot containing 11 spaces. At one point of its length, the driveway is as little as 12 ft. in width. The BCZR mandates that the driveway maintain a 20 ft. width.

Dr. Appelbaum indicated that the majority of his patients are by appointment only. Moreover, at this time, he is the sole practitioner and the amount of traffic which can be expected to be generated by the practice is minimal. In my judgment, the Petition for Variance should be granted. The uniqueness of the property is found by its narrow width which limits the width of the driveway. Moreover, a grant of the variance requested would not detrimentally affect surrounding properties and strict adherence

- 2 -

to the zoning regulations would cause practical difficulty on the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of September, 1996 that, pursuant to the Petition for Special Exception, approval of a dental office under Section 259.3.B.2 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A of the BCZR to allow a driveway of 12 ft. in width for two way movements, in lieu of the 20 ft. width required, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 18, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 97-60-XA
David Shive, et ux, Legal Owners
Robert Appelbaum, DDS, Contract Purchaser, Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.

c: Robert Appelbaum, DDS
P.O. Box 366
Monkton, Maryland 21111
c: Mr. and Mrs. David Shive
108 Mt. Carmel Road
Parkton, Maryland 21120-9723

Printed with Soybean Ink
on Recycled Paper



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 108 Mt. Carmel Road
which is presently zoned RC5-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a dental office pursuant to Section 259.3.B.2 of the Baltimore County Zoning Regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Robert Appelbaum, DDS

(Type or Print Name)

Signature

P.O. Box 366

Address

Monkton MD 21111

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address (410) 494-6200

Towson MD 21204

City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

David Shive

(Type or Print Name)

Signature

Kathryn Shive

(Type or Print Name)

Signature

108 Mt. Carmel Road

Address (410) 343-1774

City State Zipcode

Parkton MD 21120-9723

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address (410) 494-6200

Towson MD 21204

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Next Two Months

ALL OTHER

REVIEWED BY: DATE 8/17/96



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 108 Mt. Carmel Road
which is presently zoned RC5-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

409.4.A. to allow a driveway of 12 ft. in width for two-way movements in lieu of the 20 ft. width required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

to be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Robert Appelbaum, DDS

(Type or Print Name)

Signature

P.O. Box 366

Address

Monkton MD 21111

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address (410) 494-6200

Towson MD 21204

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Next Two Months

ALL OTHER

REVIEWED BY: DATE 8/17/96

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



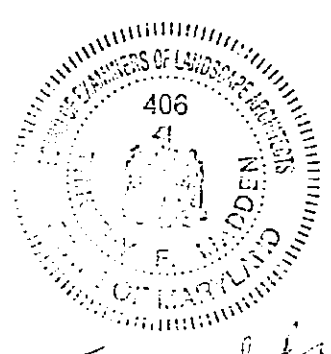
ZONING DESCRIPTION

FOR

THE PROPOSED CONVERSION TO DENTAL OFFICE AT 108 MT. CARMEL ROAD

Beginning at a point on east side of Mt. Carmel Road which is forty (40) feet wide at the distance of one thousand (1,000) feet west of the centerline of York Road (MD Route 45) which is sixty-six (66) feet wide. Thence, following the following courses:

North 02° 52' 30" E. 19.7 ft., N 02° 52' 30" E. 210.3 ft., N 82° 50' 00" W. 95 ft., S 02° 52' 30" W. 210.3 ft., S 02° 52' 30" W. 19.7 ft., S 82° 50' 00" E. 95 ft. to the point of the beginning as recorded in Deed Liber 6208, Folio 46.



Tim Madden
7/1/96

60

1. DAY, DARK STREET, SUITE 101
400 W. BALTIMORE AVE. 21201
(410) 875-1600 (410) 875-7500
FAX (410) 875-1620

2. DAY, DARK STREET, SUITE 101
400 W. BALTIMORE AVE. 21201
(410) 875-1600 (410) 875-7500
FAX (410) 875-1620

3. DAY, DARK STREET, SUITE 101
400 W. BALTIMORE AVE. 21201
(410) 875-1600 (410) 875-7500
FAX (410) 875-1620

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: Date of Posting: 8-26-96

Posted for: 97-60-XA

Petitioner: 108 Mt. Carmel Rd.

Location of property: 108 Mt. Carmel Rd. frontage along 108 Mt. Carmel Rd.

Location of Sign: 108 Mt. Carmel Rd. frontage along 108 Mt. Carmel Rd.

Remarks:

Posted by: Tim Madden

Number of Signs: one

Date of return: 8-29-96

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of 1 successive

weeks, the first publication appearing on Aug 22, 1996

THE JEFFERSONIAN,

A. HENRIKSON

LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 60 Petitioner: Robert Appelbaum, DDS
Location: 108 Mt. Carmel Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Orsini
ADDRESS: 210 Allegheny Avenue
Towson, Md 21204
PHONE NUMBER: 410-494-1211

TO: PUTNEY PUBLISHING COMPANY
August 22, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Orsini
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
410-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-60-XA (Item 60)
108 Mt. Carmel Road
N/S Mt. Carmel Road, 1000' W of c/l York Road
7th Election District - 3rd Councilmanic
Legal Owner(s): David Shive and Kathryn Shive
Contract Purchaser: Robert Appelbaum, DDS

Special Exception for a dental office.
Variance to allow a driveway of 12 feet in width for two-way movements in lieu of the 20 foot width required.

HEARING: WEDNESDAY, SEPTEMBER 11, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEADINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-60-XA (Item 60)
108 Mt. Carmel Road
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Special Exception for a dental office.
Variance to allow a driveway of 12 feet in width for two-way movements in lieu of the 20 foot width required.

HEARING: WEDNESDAY, SEPTEMBER 11, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: David and Kathryn Shive
Robert Appelbaum, DDS
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEADINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 5, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 60
Case No.: 97-60-XA
Petitioner: David Shive, et ux

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 7, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 5, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 108 Mt. Carmel Road

INFORMATION:

Item Number: 60
Petitioner: Shive Property
Property Size: _____
Zoning: RC-5-CR
Requested Action: Special Exception
Hearing Date: 9/11

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, this office determines that the plat accompanying the subject request is consistent with the Hereford Plan. Staff recommends the dumpster area be enclosed with a board on board fence should the petition be granted.

Prepared by: Jeffrey M. Ly

Division Chief: Gary L. Kerns

AFK:JL

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: August 26, 1996

Department of Permits & Development Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 26, 1996
Item No. 060

The Development Plans Review Division has reviewed the subject zoning item. A Schematic Landscape Plan must be prepared and submitted for review one week prior to the Special Exception Hearing.

RWB:HJO:jrb

cc: File

ZONE23C



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

November 7, 1996

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
MD 137 (north side)
#108 Mt. Carmel Road
Special Exception
Item No. 060 (MJK)
Mile Post 8.31

Dear Ms. Eubanks:

This letter is in response to your request for our review of the referenced item.

The proposed 40' right-of-way dedication from the centerline of MD 137 and the proposed entrance are acceptable to the State Highway Administration (SHA).

Although we have no objection to approval of the special exception, we will require the owner to obtain access approval through this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Roslyn Eubanks
Page Two
November 7, 1996

Should you have any questions, or require additional information, please contact Larry Gredein at 410-545-5606. Thank you for your cooperation.

Very truly yours,

David P. Doherty
for Ronald Burns, Chief
Engineering Access Permits
Division

LG/es

PETITION PROBLEMS

#33 --- RT

1. Where has this petition been????
2. Only one signature was notarized.

#55 --- JRA

1. No zoning indicated on petition form.
2. No review information on bottom of petition form.

#58 --- MJK

1. Need title of person signing for legal owner.
2. Need telephone number of legal owner.

#60 --- MJK

1. Need telephone number for legal owner.

#61 --- ????

Where is it??????

#62 --- JLL

1. Why does special hearing petition form list two legal owners and the variance petition form list only one legal owner.

#64 --- JLL

1. Need title of person signing for lessee.

#67 --- JJS

1. Need zoning on petition form - says "Res".

#70 --- ???

Where is it????

#71 --- MJK

1. Need telephone number for legal owner.

August 12, 1996

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
108 Mt. Carmel Road, N/S Mt. Carmel Road,
1000' W of C/O York Road
7th Election District, 3rd Councilmanic
Legal Owner(s): David and Kathryn Shive
Contract Purchaser: Robert Applebaum, DDS
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-60-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

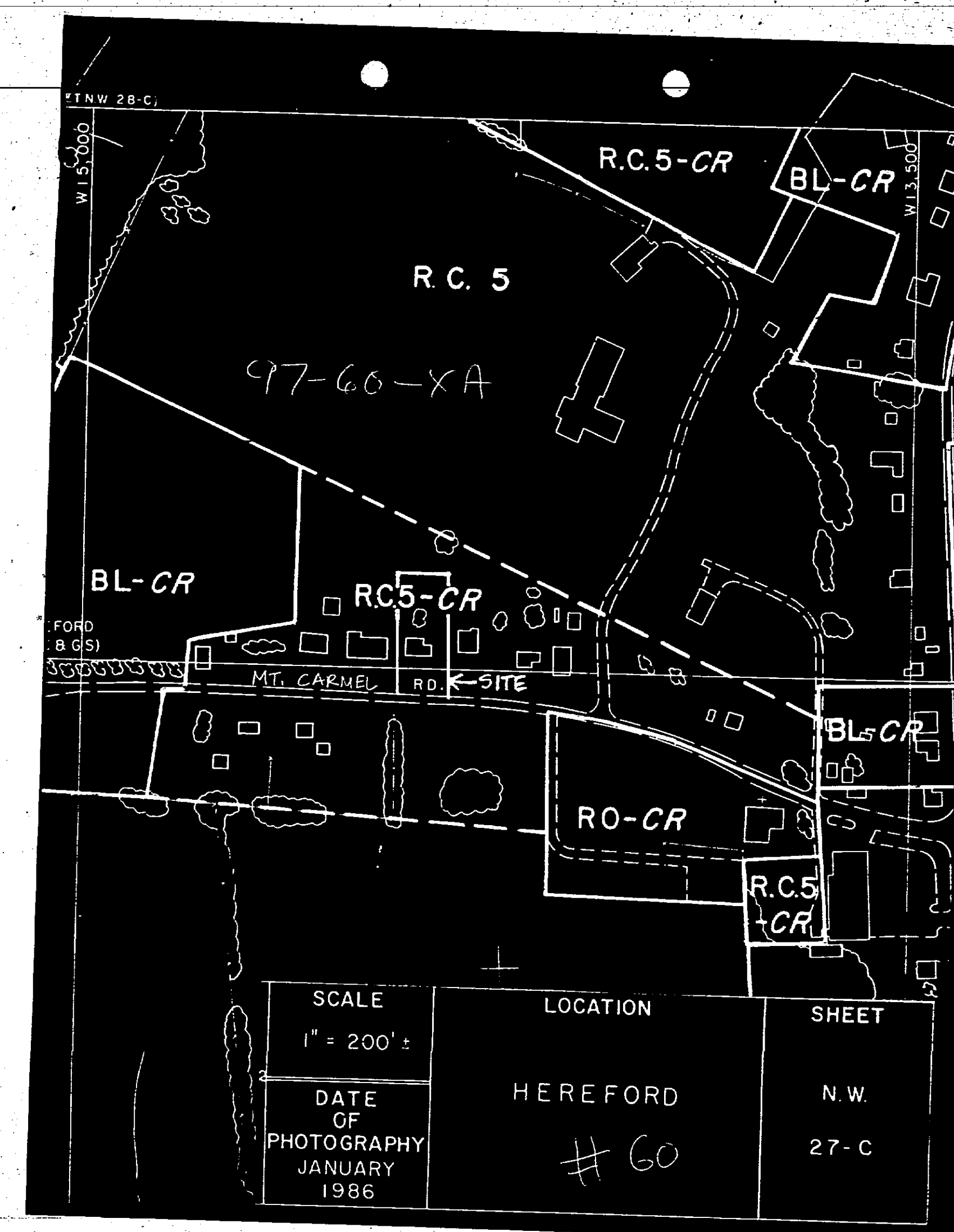
Peter Max Zimmerman
PETER MAX ZIMMERMAN

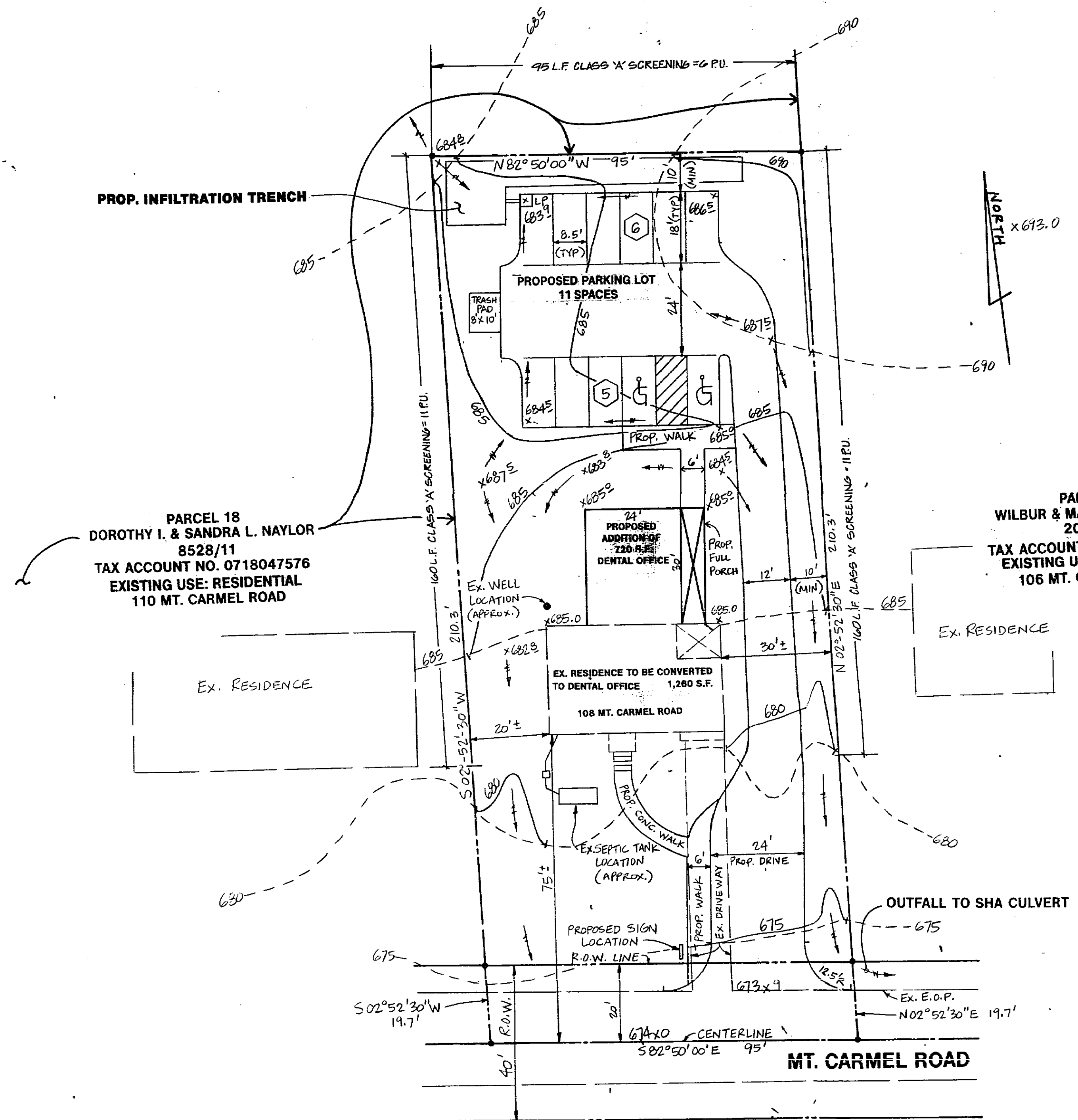
PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME
Rob Hoffman
ROBERT APPELBAUM
WES GUCKERT
AUSTIN E. HERRICK
TIM MADOLE
KATHY SHIVE

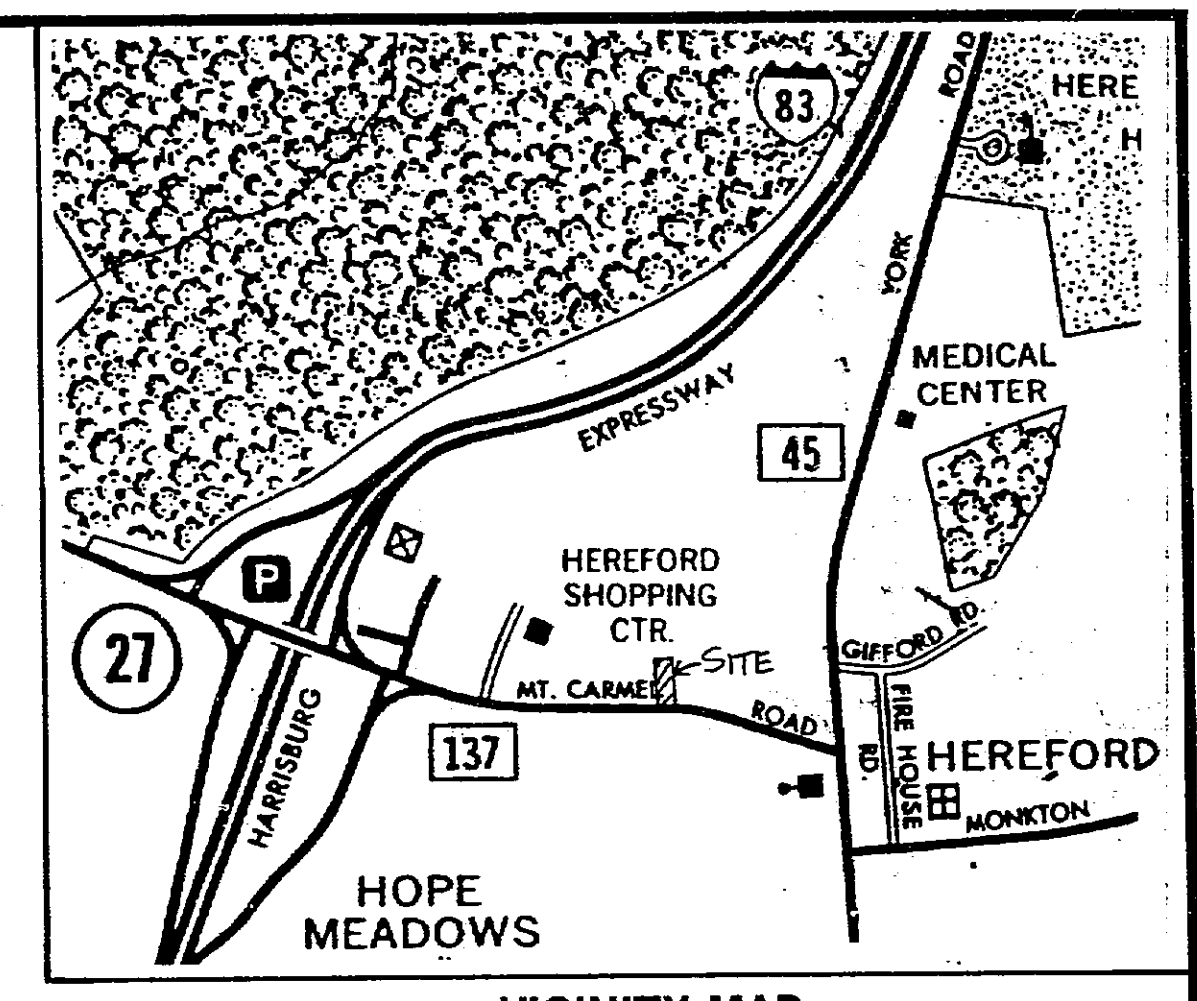
ADDRESS
210 Allegheny Ave
1891 AMANDA LANE
400 W. CHESAPEAKE AVE 21204
20 Chesapeake Ave 21204
1 West Ford 21204
108 Mt Carmel Rd 21204





GENERAL NOTES

- PROJECT NAME: Proposed Dental Office
108 Mt. Carmel Road
Parkton, Maryland 21204-9723
- DEVELOPER AND CONTRACT PURCHASER:
Dr. Robert Appelbaum, D.D.S.
P.O. Box 366
Monkton, Maryland 21111
Ph: (410) 328-2118
- OWNER: David and Kathryn Shrive
108 Mt. Carmel Road
Parkton, Maryland 21204-9723
- ATTORNEY: Robert Hoffman
Venable, Baetjer and Howard
210 Montgomery Avenue
Towson, Maryland 21204
(410) 494-6262
- CONSULTANT: Mr. Tim Madden
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204
Ph: (410) 821-1690
- SITE LOCATION:
a. Election District: Seventh
b. County Council District: Three
c. Census Tract: 4071
d. Watershed: 802-13-08, Gunpowder
e. Deed Reference: 630848
f. ADC Map Location: Map No. 7, Grid D-11
g. Zoning Map: NW 27-C
- PREVIOUS COMMERCIAL PERMITS: None
- SUBDIVISION HISTORY: This residence was built in 1954 and owned by Roger L. Thompson until transfer of ownership on September 9, 1990 to David A. and Kathryn A. Shrive, recorded under Liber 6208 Folio 46.
- ZONING HEARINGS: No zoning hearings have been held in regard to this property.
- EXISTING ZONING: RC-SICR District/Overlay
- EXISTING USE: Residence
- PROPOSED USE: Dental office, which requires a Special Exception pursuant to Section 19A.4.2(B)(1) of the Baltimore County Zoning Regulations (BCZR).
- BUILDING SETBACKS:
REQUIRED PROPOSED
Front: 15 Feet 75 Feet
Side: 15 Feet 20 Feet
Rear: 15 Feet 91 Feet
NOTE: A minimum setback of 10 feet must be observed for parking areas from any property line.
- SITE AREA: 0.487 Ac. +/- (21,649 S.F. +/-)
- BUILDING HEIGHT: Permitted: 30 Feet, Per Section 259.3 (C)(1) of the Baltimore County Zoning Regulations (BCZR)
Proposed: 20 Feet
- FLOOR AREA CALCULATIONS:
RC-SICR District/Overlay F.A.R. permitted is 0.20 21,649 x 0.20 = 4,330 s.f. permitted
1,980 s.f. proposed
- AMENITY OPEN SPACE CALCULATION: Not Required
- SIGNAGE: A free standing sign is proposed for this project. The maximum surface area allowed is 25 square feet per side, and the sign must be incorporated into the landscaping.
- LANDSCAPING: A Final Landscape Plan will be prepared and approved for this project prior to application for a building permit. See Note 23 for additional LANDSCAPE INFORMATION.
- PARKING LOT PERVIOUS SURFACE CALCULATIONS:
- Parking Lot Area: 3,600 s.f. +/-
- Pervious Surface Required: 252 s.f. (7%)
- Pervious Surface Provided: 283 s.f. (7.9%)
- BULK REGULATIONS:
Maximum Gross Floor Area Permitted: 8,800 s.f. (No more than 6,600 s.f. shall be on the ground floor.)
Gross Floor Area Proposed: 1,980 s.f. (1,980 s.f. on the ground floor)
- LANDSCAPE CALCULATIONS:
A. Landscaping for this project will be provided in accordance with 259.3 (C)(3) entitled, "Special Regulations for C.R. Districts", as well as applicable provisions of the Landscape Manual for commercial uses.
B. The following Landscape Calculations apply to this project.
1. Seven percent of all surface parking lot areas shall be reserved for landscaping:
Total parking lot area (67' x 67') = 3600 SF.
7% required Landscape area = 252 SF.
Interior landscape area provided = 283 SF.
2. Required Planting Units (P.U.):
a. 11 parking spaces = 11 P.U.
b. Screening of offices from adjacent residential lots (includes dumpster and parking lot screening) = 18 P.U.
Total P.U. Required = 29
Total P.U. Proposed = 30



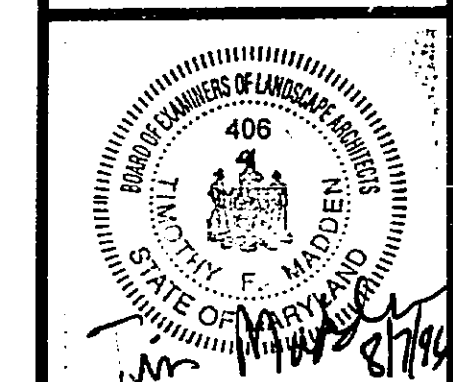
VICINITY MAP
SCALE: 1"=1000'

Note: This petition requests the following:

- A special exception to permit a dental office in an RC3 - C.R. Zone/District, in accordance with Section 259.3 (B.2) of the BCZR.
- To permit a 12 foot wide, 2 way drive in a parking area, in lieu of the minimum 20 foot width required by section 409.4 (A) of the BCZR.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748



PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION AND VARIANCE HEARING
CONVERSION FROM RESIDENCE
TO DENTAL OFFICE
AT
108 MT. CARMEL ROAD
FOR
DR. ROBERT APPELBAUM, D.D.S.

DATE	REVISIONS	JOB NO: 10313
7/25/96	REV. TO ADD LANDSCAPING AND NOTES 2.B.	SCALE: 1"=20'
		DATE: 7-1-96
		DRAWN BY: BC
		DESIGN BY: BC
		REVIEW BY: TM
		SHEET: 1 OF 2